

Precarity in Work and Life: Forging a New Reproductive Bargain

**Heidi Gottfried
Wayne State University
USA**

PRESENTATION OUTLINE

Troubling Laws: The Problem with Labor Laws

Balancing Work and Family:

When and Why Best Practices are not Enough

Part-Time Labor Laws

Parental Leave

Re-Balancing Rights/Risks/Responsibilities:

An Equality Bargain

Workers' Bill of Rights

Policy Audit

Troubling Laws: The Problem with Labor Laws

Reproductive bargain refers to the institutional arrangements around social provisioning (health, education, and skill formation) and care (social infrastructure of childcare and eldercare).

Countries with a **male breadwinner bargain** anchored rights, risks and responsibilities in terms of a standard employment relationship. Precariousness is not simply an outcome of deregulation or of less regulation, but also is a consequence of differential treatment of nonstandard workers based on this narrow conception of labor market membership both in law and in practice.

Troubling Laws: The Problem with Labor Laws

- ❖ **Accord differential rights across categories of work and workers, either through exclusion altogether or through exemption from a range of entitlements.**
- ❖ **Impose time thresholds as a basis of qualification for benefits, unresponsive to unpredictable hours, long and split shifts, and periods of on-call duty, features of nonstandard work.**
- ❖ **Failure to recognize underemployment irregular, atypical work schedules in the framing of rights and compensatory interventions.**

Troubling Laws: The Problem with Labor Laws

- A narrow conception of “labor market membership” (Vosko) labor laws and social policies insufficiently flexible to protect workers with gaps in employment, fluctuating levels of employment intensity, and varying duration over the life-course.**
- Labor regulation design does not accommodate rhythms, calendars and demands of family life.**
- The provision of care services and the quality of care work largely stands outside the purview of labor regulations.**
- Taken together, the system of social benefits and social protections in the male breadwinner bargain cannot mitigate risks associated with precarity.**

Balancing Work and Family: When and Why Best Practices are not Enough

Part-time Employment:

The EU and the ILO directive and convention on part-time employment extend the principle of equal treatment between standard and nonstandard employment.

Positive: diminish the disadvantage by requiring pro rata equality in wages and social benefits

Negative: does not change the economic, social and cultural circumstances that contribute to the persistence and growth of “involuntary” part-time employment, especially among women and youth.

Balancing Work and Family: When and Why Best Practices are not Enough

Balancing Work and Family

To diminish gender discrimination due to the “motherhood penalty,” and to promote reconciliation of work and family life, the revised Framework Agreement on Parental Leave 2010/18/EU entitles both mothers and fathers, irrespective of their employment contract, to take at least four months of unpaid parental leave, encouraging fathers to take leave as a nontransferable entitlement.

Positive: enshrines a right to parental leave.

Negative: Unpaid: no explicit right to request a change of work schedules; no provision to support a social infrastructure for care and of care services.

Rebalancing Risks/Rights/Responsibilities: An Equality Bargain

Policy and politics need to address precarity in terms of full economic and social citizenship based on principles of:

Flexicurity

Univeralism

Substantive equality

Economic justice

Full Economic and Social Citizenship

Combines:

- ❖ the right to work at the occupation of one's choice;
- ❖ the right to the education and training that facilitate access to it;
- ❖ the right to earn wages adequate to support oneself and one's family;
- ❖ the right to the social benefits necessary to support labor force participation;
- ❖ the right to a non-discriminatory job market; and
- ❖ the right to the social environment required for effective choice, including adequate housing, safe streets, accessible public transportation, and universal care (adapted from Kessler-Harris 2003, 163).

Workers' Bill of Rights/Responsibilities

- ❖ **“A social protection floor” to provide care services for children (universal pre-K) and other persons who require care because of disability, sickness (UN Expert Group).**
- ❖ **Paid parental leave that includes a father’s entitlement (EU).**
- ❖ **Pro-rata earnings and benefits for part-time and temporary workers (EU Directive)**
- ❖ **Skill acquisition and re-training**

Workers' Bill of Rights/Responsibilities

- ❖ **Advance notice in setting and changing work schedules to make them more predictable; and providing priority access to extra hours of work—if and when available.**
- ❖ **Compensation if insufficient advance notice of last-minute schedule changes for a portion of their hours lost, for “on-call” hours, for being scheduled on split shifts, and for instances in which they are sent home before completing their assigned shifts.**
- ❖ **Minimum number of hours for part-time work (e.g., 24 hours per week in France).**
- ❖ **Mandatory negotiations regarding the organization of part-time work in companies when at least one-third of the workforce in a sector is employed on a part-time basis (France).**
- ❖ **Changes in working hours, including “reversibility” from full-time to part-time and part-time to full-time (Sweden, France, Germany, the Netherlands, and Poland).**

Policy Audit

A comprehensive review of existing policies to identify:

Differential treatment,

Differential outcomes,

Biases,

Those that disadvantage nonstandard workers,

Those that expose workers to labor market risks.

Ledger showing how policies realize

Substantive equality,

Shoring up the social wage,

Integrating social policy with labor regulations.